

**GOVERNMENT
EXHIBIT 5**

From: Flanders, Robert G. [flanderg@HASLAW.com]
Sent: Wednesday, September 16, 2009 1:40 PM
To: Vilker, Lee (USARI)
Cc: McAdams, John P. (USARI); lee.vilker@usdoj.gov; Connolly, Michael J.
Subject: Re: Caramadre

Thanks

Sent from my iPhone

On Sep 16, 2009, at 1:34 PM, "Vilker, Lee (USARI)"
<Lee.Vilker@usdoj.gov<mailto:Lee.Vilker@usdoj.gov>> wrote:

Mr. Flanders - please see US v. Christopher, 142 F.3d 46, 54 (1st Cir. 1998) (â€œTurning to whether we should now adopt a convergence theory, we see little reason to do so. Nothing in the mail and wire fraud statutes requires that the party deprived of money or property be the same party who is actually deceived. . . . We see no reason to read into the statutes an invariable requirement that the person deceived be the same person deprived of the money or property by the fraud.â€) Hopefully, this case and other similar cases will relieve you and Mr. Conley of the concerns you raised concerning the ethical underpinnings of this investigation.